HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.10986 OF 2006

Between:

Gampa Vinay

. . .Petitioner

AND

The District Consumer Forum,
Karimnagar and others

. . .Respondents

Counsel for the petitioner : Sri P.Prabhakar

Dated: 2nd August, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for quashing order dated 12.11.2003 passed by District Consumer Forum, Karimnagar (for short, 'the District Forum') in Consumer Dispute No.150 of 2002 and also the execution proceedings in P.P.No.134 of 2005.

The main ground on which the petitioner has challenged the order of the District Forum is that the complaint filed by respondent No.2 under Section 12 of the Consumer Protection Act, 1986 (for short, 'the 1986 Act') was not maintainable in view of the provisions contained in the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for short, 'the 1999 Act').

We have heard the learned counsel for the parties.

The question whether a complaint filed under Section 12 of the 1986 Act is barred in view of the provisions contained in the 1999 Act was considered and answered in negative in Writ Petition No.14183 of 2006 (**Katipalli Narasimha Reddy v. Andhra Pradesh State Consumer Disputes Redressal Commission and others)** decided on 13th July, 2006. Therefore, we do not consider it necessary to deal with the same question in detail and dismiss the writ petition in terms of order passed in Writ Petition No.14183 of 2006. The detailed reasons recorded in that order shall be read as part of this order.

However, liberty is given to the petitioner to avail remedy under Section 15 of the 1986 Act. Needless to say that if the petitioner files

appeal against the order of the District Forum and the Andhra Pradesh State Consumer Disputes Redressal Commission considers it appropriate to entertain the same, then the complainant shall be entitled to oppose the same on all legally permissible grounds.

As a sequel to dismissal of the main petition, interim order dated 30.05.2006 shall stand automatically vacated and W.P.M.P.No.13683 of 2006 shall stand dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 02.08.2006

kvni